

REMARKS/ARGUMENTS

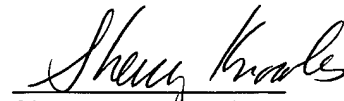
Claims 1, 2, 4-12 and 15-32 remain pending in the application. Claims 3, 13, 14 and 33-60 have been cancelled and claims 1, 4-12 and 15-32 have been amended without prejudice or disclaimer of any previously claimed subject matter. Applicants reserve the right to prosecute any previously claimed subject matter in one more continuation or divisional applications.

The Examiner has rejected pending claims 1-13 and 15-32 under 35 U.S.C. § 102(e) over U.S. Patent No. 5,728,575 to Liotta and Choi. The '575 patent discloses a process for the resolution of a racemic mixture of nucleosides including the step of exposing the mixture to an enzyme. The pending claims recite a process for the resolution of a compound of Formula A that includes contacting the organic and aqueous components to form a non-homogeneous system under conditions which permit the resolution of the mixture with a hydrolase enzyme (claim 1). The '575 patent does not teach resolution of the nucleoside compounds in a non-homogeneous system. In the Examples, the '575 patent describes the resolution of the racemic mixture of FTC where the aqueous and organic components are in a "clear *solution*" (Example 2, column 7, line 26 and line 51, emphasis added). In the Specification, the patent teaches away from a non-homogeneous system, stating that a hydrolysis should be performed under homogeneous conditions (column 6, lines 22-23) and that such hydrolyses performed under heterogeneous conditions could be disadvantageous (column 6, lines 19-20). Because the reference does not disclose or suggest the resolution of a racemic mixture of the claimed compounds in a heterogeneous system, the '575 patent does not anticipate the process recited in the pending claims.

The Examiner has also rejected claims 1-13 and 15-32 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 5,827,727 to Liotta. The '727 patent contains the same specification as the '575 patent. For the same reasons listed above, the '727 patent does not disclose a process for the resolution of the nucleoside compounds in a non-homogeneous system as recited in the pending claims and therefore does not anticipate the pending claims.

Based on the above-presented amendments and arguments, Applicants request that the Examiner allow all pending claims. Should the Examiner have any questions about the pending claims he is invited to contact the undersigned at 404-572-3541. The Commissioner is hereby authorized to charge any additional required fees that are not enclosed to Deposit Account No. 11-0980.

Respectfully submitted,



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